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NEW DELHI, FRIDAY, JULY, 17, 1992/ASADHA 26, 1914

इस भाग में विशेष पृष्ठ संख्या दी जाती है जिससे कि यह व्यलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 17th July, 1992/Asadha 26, 1914 (Saka)

The following President's Act is published for general information:—

**THE JAMMU AND KASHMIR DISTURBED AREAS
ACT, 1992**

No. 4 OF 1922

Enacted by the President in the Forty-third Year of the
Republic of India.

An Act to provide for better provision for the suppression of disorder and for the restoration and maintenance of public order in disturbed areas in Jammu and Kashmir.

21 of 1992.

In exercise of the powers conferred by section 3 of the Jammu and Kashmir State Legislature (Delegation of Powers) Act, 1992, the President is pleased to enact as follows:—

1. (1) This Act may be called the Jammu and Kashmir Disturbed Areas Act, 1992.

Short
title,
extent
and
commencement.

(2) It extends to the whole of the State of Jammu and Kashmir.

(3) It shall come into force at once.

Definition.

2. (1) In this Act, "disturbed area" means an area which is for the time being declared by notification under section 3 to be a disturbed area.

(2) All other words and expressions used herein and not defined, but defined in any other law for the time being in force in the State of Jammu and Kashmir, shall have the meanings respectively assigned to them in such law.

Powers to declare area to be disturbed areas.

3. The State Government may, by notification in the Official Gazette, declare that the whole or any part of any district of Jammu and Kashmir as may be specified in the notification, in a disturbed area.

Power to fire upon persons contravening certain orders.

4. In a "disturbed area", any Magistrate or Police Officer not below the rank of Sub-Inspector or Head Constable in case of the Armed Branch of the Police may, if he is of opinion that it is necessary so to do for the maintenance of public order, after giving such due warning, as he may consider necessary, fire upon, or otherwise use force, even to the causing of death, against any person who is indulging in any act which may result in serious breach of public order or is acting in contravention of any law or order for the time being in force, prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or of fire arms, ammunition or explosive substances.

Powers to destroy arms dump, fortified positions, etc.

5. In a "disturbed area", any Magistrate or Police Officer not below the rank of a Sub-Inspector may, if he is of the opinion that it is necessary so to do, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made or are attempted to be made or any structure used as a training camp for armed volunteers or utilised as a hideout by armed gangs or absconders wanted for any offence.

Protection of persons acting under section 4 and 5.

6. No suit, prosecution, or other legal proceedings shall be instituted except with the previous sanction of the State Government against any person in respect of anything done or purporting to be done in exercise of the powers conferred by sections 4 and 5.

Repeal and saving.

7. (1) The Jammu and Kashmir Disturbed Areas Act, 1990 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Jammu and Kashmir Disturbed Areas Act, 1990 shall be deemed to have been done or taken under the corresponding provisions of this Act.

Governor's
Act
No. XII of
1990.

Governor's
Act
No. XII of
1990.

R. VENKATARAMAN;
President.

K. L. MOHANPURIA,
Secy. to the Govt. of India.

Reasons for the enactment

The Governor's Rule was promulgated in January, 1990. At that time the militants/terrorists had posed a great challenge to the State administration. Various measures were taken to curb the militancy. Because of continued abetment and support from across the border to the militants it was felt that additional measures be taken to curb the militancy effectively and in a shortest possible time. In these circumstances the Jammu and Kashmir Disturbed Areas Act, 1990 (Governor's Act No. XII of 1990) was enacted. The actions taken under the Act have shown considerable improvement but the circumstances and the conditions due to which the law was enacted continue to be the same.

2. The said law is of a temporary nature in terms of sub-section (4) of section 92 of the Constitution of Jammu and Kashmir and shall remain in force only up to the 18th day of July, 1992. It is proposed to re-enact the said Governor's Act by a President's Act. The Bill seeks to give effect to the said decision.

3. The President issued a Proclamation on the 18th July, 1990 under article 356 of the Constitution, in relation to the State of Jammu and Kashmir declaring *inter alia* that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament. Parliament has, under article 357(1)(a) of the Constitution, now conferred on the President, the powers of the Legislature of the State of Jammu and Kashmir to make the laws *vide* the Jammu and Kashmir State Legislature (Delegation of Powers) Act, 1992 (21 of 1992).

4. In view of the urgency of the matter, it is not practicable to consult the Consultative Committee of Parliament on Jammu and Kashmir Legislation. This measure is accordingly being enacted without reference to the Consultative Committee.

MADHAV GODBOLE,

*Secretary to the Government of India,
Ministry of Home Affairs.*

